REMARKS/ARGUMENTS

In this, the first Action in the case, the Examiner rejected all claims under 35 U.S.C. §102(e) over US patent number 6,021,428 (Miloslavsky), of record. This rejection is respectfully traversed.

Miloslavsky discloses a variety of call center architectures for handling a variety of media, such as video, voice, or e-mail. The architectures employ a computer telephony integration (CTI) server to link a switch, such as a PBX, to a stat server that stores historical and status information about the call center, and a routing server that uses the stat-server information and other database information to make routing decisions and causes the switch to route individual communications to individual agents. A plurality of call centers may be served by a common stat server and routing server. This latter architecture is characterized as a three-layer architecture. The first layer comprises a plurality of switches and their matching CTI servers, where the matching CTI server is a routine which communicates with and controls an associated switch on the one hand, and on the other hand presents a common interface to the second and third layers. The second layer communicates with all of the CTI servers in the fist layer to accumulate statistics on the operation of the call centers, and also communicates with all applications in the third layer to provide these statistics to them. The third layer contains one or more applications which use the information contained in the second layer.

The Examiner asserted correspondence between Miloslavsky's three layers and applicants' three layers. In response, applicants assert that the correspondence between the second and the third layers does not in fact exist.

Applicants' claims recite that the second, communications, layer allocates resources shared by a plurality of handlers and directs handling of events by the first, contact, layer. In contrast, the second layer of

Miloslavsky is described as communicating with the other layers to accumulate statistics on the operation of the call center and provide them to the third layer. Miloslavsky's second layer neither allocates resources nor directs handling of events. The second layer of Miloslavsky therefore does not correspond to applicants' communications layer.

Applicants' claims further explicitly recite that the second, communications, layer comprises software for managing communications each comprising one or more contacts in one or more media in a media-independent manner. There is no corresponding teaching in Miloslavsky. Although Miloslavsky manages voice, video and data calls, there is no disclosure, teaching, or suggestion in Miloslavsky that the second layer of Miloslavsky's system – or any other layer for that matter – manages calls in one or more media in a media-independent manner. In fact, the opposite is disclosed. Moreover, the second layer of Miloslavsky is described merely as accumulating statistics; it does not manage contacts at all.

The claims further recite that the third, business, layer comprises software for managing business services by supplying business information that defines the services to the communications layer. Again, there is no corresponding teaching in Miloslavsky. The third layer of Miloslavsky is described as containing one or more applications which use the information accumulated by the second layer. Whereas the claims recite the third, business, layer as supplying information to the second, communications, layer, Miloslavsky discloses the opposite: the second layer supplies information to the third layer. But even if one were to assume that the third layer of Miloslavsky also supplies information to the second layer, there is no disclosure, teaching, or suggestion to suppose that such information defines the business services.

In summary, Miloslavsky, like applicants, partitions call center functionality into layers, but his partitioning is different – along different

functions – from that claimed by applicants. Moreover, Miloslavsky does not manage calls in a media-independent way. For these reasons, Miloslavsky does not anticipate applicants' claimed invention.

The Examiner may want to note that Miloslavsky is of record in the corresponding European patent no. 1162814, which issued with claims equivalent in scope to the US claims.

The dependent claims contain additional recitations which further distinguish the claimed invention from the teaching of Miloslavsky. Claim 2 recites that, while the second, communications, layer allocates resources shared by a plurality of handlers, it is the first, contact, layer that manages resources which are not shared by a plurality of handlers. Irrespective of whether or not the switches of Miloslavsky correspond to applicants' handlers or resources, all switches of Miloslavsky are managed by the same layer – no distinction is made between shared and unshared resources. Hence, Miloslavsky does not anticipate applicants' claim 2.

In a similar vein, claim 3 recites that, while the second, communications, layer allocates resources shared by a plurality of handlers, each handler manages the unshared resources that are allocated to that handler. But, as was mentioned above, all switches in Miloslavsky are managed by the same layer – no distinction is made between shared and unshared resources. Hence, Miloslavsky does not anticipate applicants' claim 3.

Claim 4 recites that the communications layer comprises no media-specific equipment. The Examiner purports to find this teaching at col. 1, lines 16-21 of Miloslavsky, which refers to "all multi-media communication." The Examiner's assertion is disingenuous. That passage from the Field of the Invention merely states that the invention of Miloslavsky lies in the broad area of "all multi-media communication aspects of intelligent networks." It says nothing about the layering of call

center functionality at all, much less about whether or not the second layer – or any other layer – of Miloslavsky's architecture contains or does not contain media-specific equipment. Consequently, this passage of Miloslavsky fails to render claim 4 unpatentable.

Claim 5 recites that the second, communications, layer directs handling of events according to the accumulated reported events. In contrast, the second layer of Miloslavsky merely accumulates statistical information; it does not direct handling of events. Hence, Miloslavsky does not anticipate claim 5.

Claim 7 recites, inter alia, that the third, business, layer develops dialogs which it supplies to the second, communications, layer. There is no disclosure, teaching, or suggestion in Miloslavsky that the third layer either develops dialogs or supplies anything to the second layer, which is merely a statistics-accumulation layer. Moreover, the passage of Miloslavsky cited by the Examiner as disclosing this aspect of the claimed invention describes what is done by the CTI system, which is a part of Miloslavsky's first layer. In contrast, the claim recitations recite what is done by the third layer.

Claim 7 further recites that the second, communications, layer translates the received dialogs into translations that it uses to control the first, contact, layer and translations that is supplies to the contact layer. But, as was mentioned before, the second layer of Miloslavsky is merely a statistics-accumulation layer; it does not receive dialogs, it does not translate dialogs, it does not control the first layer, and it does not supply (the non-existent) translations to the first layer. Moreover, the passage of Miloslavsky cited by the Examiner as disclosing this aspect of the claimed invention states that a deformatter translates data and commands received from a CTI-server. The CTI servers of Miloslavsky are a part of the first layer. In contrast, the claim recitation recite what is done by the second layer.

For at least all of these reasons, Miloslavsky fails to anticipate claim 7.

Claim 8 recites that the third, business, layer supplies to the second, communications, layer definitions of reports requested by the business. But there is no disclosure in Miloslavsky that the third layer supplies anything but information requests to the second layer, much less that it supplies definitions of reports. The passage of Miloslavsky cited by the Examiner as disclosing this aspect of the claimed invention merely states that the second layer reports status to clients that request the information. Nothing is said about supplying definitions of desired reports to the second layer.

Claim 8 further recites that the second, communications, layer translates the definitions of the reports into database schema that accommodate data that the communications layer must collect for those reports. Since the second layer of Miloslavsky does not receive definitions of desired reports, it cannot translate such non-existent definitions.

Moreover, there is no disclosure, teaching, or suggestion that the second layer of Miloslavsky forms or adjusts its database schema in response to any received information or requests. There is nothing to suggest that Miloslavsky's database schema are anything but fixed, as is conventional.

For at least these reasons, Miloslavsky fails to anticipate claim 8.

Claim 9 recites that business rules include resource scheduling rules, resource behavior rules, service target rules, and customer treatment rules. But all that the passage of Miloslavsky referenced by the Examiner discloses is that there are rules for extracting e-mail attributes from e-mails. Clearly, this does not anticipate the recitations of claim 9.

Claim 10 recites that the third, business, layer has access to customer data which it applies to the transactions to develop dialogues. But, as was already explained above in conjunction with claim 7, there is

no disclosure, teaching, or suggestion in Miloslavsky that the third layer develops dialogs. The passage of Miloslavsky cited by the Examiner as disclosing this aspect of the invention merely describes an ISDN BRI as having two bearer channels and a signaling channel. What has this to do with developing dialogs usable for controlling contacts and the first layer? The Examiner does not say. Applicants therefore assert that Miloslavsky does not anticipate claim 10.

Claim 11 recites that the third, business, layer effects scheduling and adherence tracking of resources by providing business information to the second, communications, layer. As was explained above in conjunction with claim 8, there is no disclosure in Miloslavsky that the third layer supplies anything but information requests to the second layer, much less business information. The passage of Miloslavsky cited by the Examiner as disclosing this aspect of the claimed invention merely states that the second layer provides statistics to the third layer in accordance with predefined priority. This says nothing about the third layer providing information to the second layer. Hence, Miloslavsky does not anticipate applicants' claim 11.

Finally, claim 12 recites that the third, business, layer provides an interface for the business to the customer care center. The passage of Miloslavsky cited by the Examiner as disclosing this aspect of the claimed invention merely states that a call center interface unit of a call center communicates with other call centers. There is no disclosure, teaching, or suggestion that the interface unit is a part of the third layer, or of any other layer, for that matter. Hence Miloslavsky fails to anticipate claim 12.

For the reasons given above, applicants assert that Miloslavsky fails to anticipate any of their claims 1-13. Applicants therefore request that the Section 102(e) rejection of their claims over Miloslavsky be withdrawn.

The rejection having been properly addressed and disposed of, applicants suggest that the application is now in condition for allowance. They therefore request that the application be reconsidered and thereafter be passed to issued.

Applicants believe the foregoing discussion to be dispositive of all issues in the application. But if the Examiner should deem that a telephone interview would advance prosecution, applicants request the Examiner to call their attorney at the telephone number listed below.

Respectfully submitted,

Frank J. Bogart
Camille Gabriel
Sarah Kiefhaber
Gary S. King
Rebecca K. Phelps

By David Volejnicek
David Volejnicek
Corporate Counsel
Reg. No. 29355
303-538-4154

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Avaya Inc.
Docket Administrator
307 Middletown-Lincroft Road
Room 1N-391
Lincroft, NJ 07738